

REMARKS

The last Office Action of July 10, 2009 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-29 are pending in the application. Claims 1-17 and 20-28 have been withdrawn from further consideration. Claims 18-22 and 25-28 have been amended. No claims have been canceled. No claims have been added. A total of 29 claims is now on file. The claim surcharge was previously paid. No amendment to the specification has been made. No fee is due.

It is noted that claims 18, 19 and 29 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner has indicated that if claim 18 were amended as requested, the claim would be allowed since no prior art was found. The Examiner further stated that claims 22-28 would be rejoined if claim 18 was allowable.

Reference is also made to a telephonic interview with the Examiner in which the rejection was clarified as the definitions that were not included in claim 18. Applicant wishes to thank the Examiner for her help and assistance and for the courtesies extended to counsel at that time.

REJECTION OF CLAIMS 18, 19 and 29 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Applicant has amended claim 18 to address the §112 rejection and provided the definition for the specified residues. These changes are self-explanatory and cosmetic in nature and should not be considered as a narrowing amendment to trigger prosecution history estoppel.

With respect to the Examiner's inquiry as to the proviso in claim 18, applicant states that the disclaimer is with respect to the Mao reference (WO 99/15517) which has been listed in the IDS submitted in June 2006.

Applicant also amended claims 19 and 20 to change their dependency to claim 18 which as originally set forth in the international application. Claim 21 was amended to set forth more clearly the or/and choice. Since claim 20 is dependent on 19 that depends from 18, claim 20 should likewise be allowed.

Claims 22 and 25-28 were amended to eliminate awkward claim language and to make the claims directly or indirectly dependent on claim 18.

It is believed that claims 18-29 as now presented fulfill the formal requirements and are in allowable form.

Withdrawal of the rejection of the claims 18, 19 and 29 under 35 U.S.C. §112, second paragraph and allowance thereof is thus respectfully requested

CLARIFICATION AMENDMENT

There are no co-pending applications of which the applicant is aware.

Applicant has also scrutinized the specification to minor errors but none were found.

CITED REFERENCES

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

CONCLUSION

Applicant believes that when reconsidering the claims in the light of the above comments, the Examiner will allow the claims. In view of the above presented remarks and amendments, it is respectfully submitted that all currently examined claims on file should be considered patentably differentiated over the art and should be allowed.

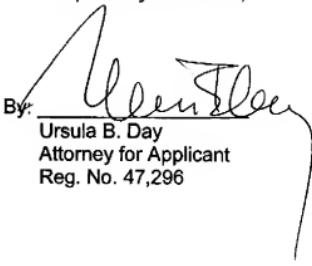
Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 50-1747.

Respectfully submitted,

By:


Ursula B. Day
Attorney for Applicant
Reg. No. 47,296

Date: October 13, 2009
708 Third Avenue
Suite 1501
New York, N.Y. 10017
(212) 244-5500
UBD:gm